

REMARKS

In the Office Action dated April 17, 2003 claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frederick (US Patent No. 5,768,126) in view of Laroche (US Patent No. 6,049,766) in further view of Bhadkamkar et al. (US Patent No. 5,893,062).

No claims have been cancelled, and claims 1-20 remain pending.

Claim Rejections Under 35 U.S.C. §103

Applicant's independent claim 1, as currently amended recites, "A method for cross-fading a first and second stream that respectively comprises first and second audio data received via a communication link". Amended Claim 1 further recites "cross-fading pairs of samples based at least in part upon a change in bandwidth capability of the communication link" (emphasis added). Applicants submit that independent claims 3, 7, 10, 11, and 15 as currently amended, contain similar limitations wherein cross fading is performed based at least in part upon a change in bandwidth capability of a communication link.

In the April 17, 2003 Office Action, Frederick was cited as teaching an audio mixer for mixing multiple audio data streams, while Laroche was cited for teaching a method of audio signal processing which modifies the time and/or pitch scale of an audio signal via a cross fading method. Moreover, Bhadkamar was cited for teaching variable rate video playback with synchronized audio. In particular, Bhadkamar was said to teach blending a first segment overlap with a second segment overlap, such that the blending can be accomplished using any appropriate technique that produced

smooth transitions between the end of the first segment and the beginning of the second segment, such as cross-fading.

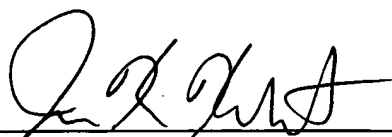
Applicant respectfully disagrees with Examiners characterization of the prior art. However, whether or not the references cited by the Examiner teach that which they are purported to teach, Applicant respectfully submits that neither Frederick, Laroche, or Bhadkamkar, alone or in combination, teach cross-fading based at least in part upon a change in bandwidth capability of the communication link. Thus, for the purpose of prosecutorial expediency, Applicant has amended independent claims 1, 3, 7, 10, 11, 15 to include such cross-fading limitations without otherwise addressing the merits of the prior art rejections. As such, Applicant explicitly reserves the right to address the merits of such rejections should it become necessary in the future.

Applicant respectfully submits that claims 1, 3, 7, 10, 11, 15 are in condition for allowance and request that the rejections to such claims be removed. Similarly, due at least to their dependency on independent claims 1, 3, 7, 10, 11, 15, Applicant submits claims 2, 4-6, 8-9, 12-14, and 16-20 are likewise allowable. Early issuance of the Notice of Allowance is respectfully requested.

Respectfully submitted,

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